

ENTERED

January 15, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRED HOFFMAN, III,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 2:18-CV-328
	§
JEFFERY RICHARDSON, <i>et al</i> ,	§
	§
Defendants.	§

ORDER ON PENDING MOTIONS

Plaintiff Fred Hoffman, appearing *pro se* and *in forma pauperis*, has filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are the following motions: (1) Plaintiff's motion for Warden Jeffery Richardson to be added to this action (D.E. 51-5); (2) Plaintiff's motion seeking leave to respond to the pending summary judgment motion (D.E. 62); and (3) Plaintiff's motion seeking to supplement his response to the pending summary judgment (D.E. 70).

On August 7, 2019, Defendant Corey Furr filed a motion for summary judgment. (D.E. 48). On August 3, 2019, the undersigned ordered that Warden Jeffery Richardson is substituted for Corey Furr as the defendant in this case regarding Plaintiff's claims for injunctive relief. (D.E. 55). Thus, Plaintiff's motion seeking to add Warden Richardson (D.E. 51-5) is **DENIED** as moot.

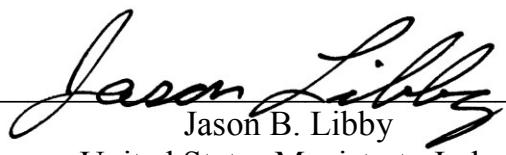
As part of the August 3, 2019 Order, the undersigned granted Plaintiff an extension of time, on or before November 7, 2019, to respond to the summary judgment

motion. (D.E. 55). On November 1, 2019, the Court received Plaintiff's motion seeking additional time to respond to the summary judgment motion, (D.E. 62). Warden Richardson opposes this motion, arguing that no good cause exists to grant Plaintiff a further extension. (D.E. 63). The Court ultimately received Plaintiff's response to the summary judgment motion on December 10, 2019. (D.E. 65).

The undersigned finds that Plaintiff has not acted in bad faith in filing his response to the summary judgment. Plaintiff has sought appropriate extensions of time in a timely and proper manner, and Warden Richardson is not prejudiced by the late filing of the response. Accordingly, Plaintiff's motion seeking an extension of time to respond to the pending summary judgment motion (D.E. 62) is **GRANTED**. Plaintiff's response (D.E. 65) is accepted as timely filed.

Furthermore, Plaintiff's motion seeking to supplement his response to the pending summary judgment (D.E. 70) is **GRANTED**. The undersigned will consider Plaintiff's supplemental response and attached exhibits when addressing the pending summary judgment motion. As the pending summary judgment motion has been exhaustively briefed, no additional responses will be considered.

ORDERED this 14th day of January 2020.



Jason B. Libby
United States Magistrate Judge